



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 28 2004

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christian Hauser
Thomas M. Keranen & Associates, P.C.
6895 Telegraph Road
Bloomfield Hills, MI 48301

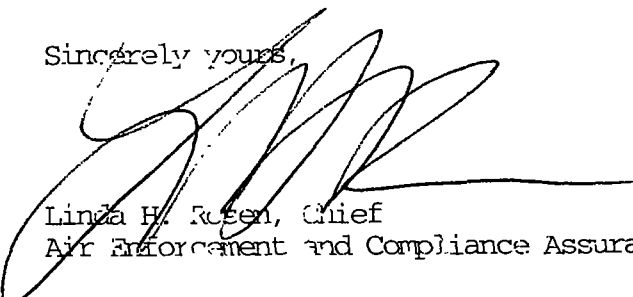
Re: Adamo Demolition
Consent Order

Dear Mr. Hauser:

Enclosed is an executed original of a Consent Order regarding the above captioned case.

If you have any questions about the Order, please contact me at (312) 886-0235.

Sincerely yours,



Linda H. Rosen, Chief
Air Enforcement and Compliance Assurance Section MI/WI

Enclosure

cc: Thomas Vincent
Michigan Department of Environmental Quality
Cadillac Place
3058 West Grand Boulevard
Suite 2-300
Detroit Michigan 48202-6058

Richard Tasreak
Michigan Department of Environmental Quality
Constitution Hall
525 Allegan St.
P.O. Box 30260
Lansing, MI 48909

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Adamo Demolition Company)	Administrative Consent Order
300 E. Seven Mile Road)	
Detroit, Michigan 48203-2000)	EPA-5-04-113(a) MI-03
)	
Proceeding Under Sections)	
113(a)(3) and 114(a)(1) of)	
the Clean Air Act, 42 U.S.C.)	
§§ 7413(a)(3) and 7414(a)(1))	

Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Adamo Demolition Company (Adamo Demolition) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U.S.C. § 7412.

3. Under Section 112 of the Act, the Administrator promulgated the NESHAP for asbestos at 40 C.F.R. §§ 61.145 through 61.150. The NESHAP for asbestos applies to building demolition and renovation activities.

4. Section 112(i)(3)(A) of the Act, 42 U.S.C. § 7412(i)(3)(A), provides, in relevant part, that "after the effective date of any emission standard, limitation or regulation promulgated under this section and applicable to a source, no person may operate such source in violation of such standard, limitation or regulation." Thus, a violation of the asbestos NESHAP constitutes a violation of Section 112 of the Act, 42 U.S.C. § 7412.

5. Pursuant to 40 C.F.R. § 61.145(a), the asbestos NESHAP applies to each "owner or operator" of a "demolition or renovation activity" at a "facility", as those terms are defined at 40 C.F.R. § 61.141.

6. The requirements of 40 C.F.R. § 61.145(b) and (c) of the asbestos NESHAP apply to a facility being demolished if the combined amount of Regulated Asbestos Containing Material (RACM) is at least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components or at least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.

7. Pursuant to 40 C.F.R. § 61.145(a), prior to the commencement of demolition, the owner or operator of a demolition activity must thoroughly inspect the facility for the presence of asbestos.

8. The NESHAP, at 40 C.F.R. § 61.145, requires the owner or operator of an affected facility to notify of their intention to demolish or renovate the facility, and to properly remove all RACM from the facility. Specifically, 40 C.F.R. § 61.145(b)(1) requires each owner or operator of a demolition or renovation activity to provide, among other things, the Administrator with written notice of intention to demolish or renovate at least ten working days before asbestos stripping or removal work or any other activity begins that would break up, dislodge, or disturb asbestos material.

9. Pursuant to 40 C.F.R. § 61.145(b)(4)(vi), owners or operators of an affected facility, among other things, must estimate and notify of the amount of Category II non-friable ACM that will not be removed prior to demolition.

10. Pursuant to 40 C.F.R. § 61.145(c)(1), owners or operators of a demolition activity, among other things, must remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material.

11. 40 C.F.R. § 61.145(c)(6)(i) requires owners or operators of an affected facility to adequately wet all RACM and ensure it remains wet until collected or contained or treated in preparation for disposal.

12. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of the U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

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Findings

13. Respondent neither admits nor denies the factual allegations or conclusions of law in these findings.

14. During the summer of 2001, Adamo Demolition was the operator of a demolition at 92 Peterboro Street in Detroit, Michigan (formerly known as the Lyle Building) which was an apartment building, comprised of more than 4 dwelling units.

15. The 92 Peterboro Street facility contained at least 260 linear feet, 160 square feet or at least 1 cubic meter of RACM.

16. The NESHAP for asbestos applied to the 92 Peterboro Street facility.

17. On March 25, 2003, U.S. EPA issued to Adamo Demolition a Finding of Violation alleging that Adamo Demolition violated the NESHAP for asbestos by violating 40 C.F.R. 61.145.

18. On June 5, 2003, representatives of Adamo Demolition and U.S. EPA discussed the March 25, 2003 Finding of Violation.

19. After a thorough investigation of all relevant facts, and the cooperation and good faith exhibited by Adamo Demolition, U.S. EPA and Adamo Demolition agree to the compliance measures set forth below.

Compliance Program

20. By the effective date of this Order, Adamo Demolition must achieve, demonstrate and maintain compliance with the NESHAP for asbestos.

21. Adamo Demolition agrees to comply with the NESHAP for asbestos on all demolitions that are subject to the asbestos NESHAP and for which Adamo qualifies as "owner" or "operator", as defined in the asbestos NESHAP.

22. Adamo Demolition will implement and follow Standard Operating Procedures for the demolition of structures in order to further reduce the potential that violations of the NESHAP for asbestos will occur again. This will include adequate training for its employees.

23. Adamo Demolition agrees to retrofit, within one year of

this order, four of Adamo Demolition's diesel-fueled vehicles/equipment with pollution control equipment, reducing diesel exhaust emissions. Adamo agrees to install oxidation catalysts or diesel particulate filters on four of Adamo Demolition's diesel-fueled vehicles/equipment.

By signing this order, Adamo Demolition certifies that it is not required to develop or perform these diesel-fueled vehicle/equipment retrofits by any federal, state or local law or regulation; nor is Adamo Demolition required to develop or perform these diesel fueled retrofits by agreement, grant or as injunctive relief in any other action or forum.

24. No later than one year from the date of this order, Adamo Demolition shall submit to the U.S. EPA a written report detailing the completion of the project described in Paragraph 23. This report shall include a summary of Adamo Demolition's activities in performing the projects and a description of any problems encountered. Adamo Demolition shall submit to the U.S. EPA this report within 30 days of completing the diesel retrofits for all four vehicles/equipment. This written notification shall be sent to:

Attention: Tanya Boomer (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604.

General Provisions

25. This Order does not affect Adamo Demolition's responsibility to comply with other local, state, and federal laws and regulations.

26. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

27. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Adamo Demolition's violation of the NESHA for asbestos.

28. Failure to comply with this Order may subject Adamo Demolition to penalties under Section 113 of the Act, 42 U.S.C. § 7413.

29. The terms of this Order are binding on Adamo

Demolition, its assignees and successors. Adamo Demolition must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Adamo Demolition has given the notice.

30. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

31. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

32. Adamo Demolition agrees to the terms of this Order.

33. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, if Adamo Demolition has complied with all of its terms.

34. Adamo Demolition's compliance with this Order shall resolve all U.S. EPA civil allegations contained in the U.S. EPA's March 25, 2003, FOV issued to Adamo Demolition.

9/24/2004
Date

J. G. C. J. C. E. D.
John Adamo, President
Adamo Demolition Company

9/29/04
Date

Stephen Rothblatt
Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

CERTIFICATE OF MAILING

I, Shanee Rucker certify that I sent a Finding of Violation,
No. EPA-5-04-113(a)-MI-03, by Certified Mail, Return Receipt
Requested, to:

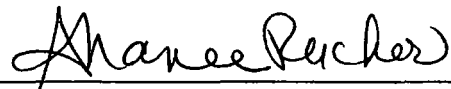
Mr. Christian Hauser
Thomas M. Keranen & Associates, P.C.
6895 Telegraph Road
Bloomfield Hills, MI 48301

I also certify that I sent copies of the Finding of
Violation by first class mail to:

Thomas Vincent
Michigan Department of Environmental Quality
Cadillac Place
3058 West Grand Boulevard
Detroit Michigan 48202-6058

Richard Tasreak
Michigan Department of Environmental
Constitution Hall
525 Allegan St.
P.O. Box 30260
Lansing, MI 48909

on the 30th day of September, 2004.



Shanee Rucker, Secretary
AECAS, (MI/WI)
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: 7001032000061558 6288